No. 200300059

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pennington Seeds, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

FESCUE, HARD

'Predator'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this sixth day of February, in the year two thousand and seven.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

REPRODUCE LOCALLY. *Include form number and date on all reproductions*

Form Approved - OMB No. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER

~~Ronnie Stapp~~
~~c/o~~ Pennington Seeds, Inc.
(BT: 3/17/06 per applicants authorization)

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME

E2H

3. VARIETY NAME

'Predator'
(BT: 3/17/2006)

4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)*

~~P.O. Box 290~~ 270 Hansard Avenue
~~Madison, GA~~ Lebanon, OR 97355
~~30650~~
(BT: 3/17/2006)

5. TELEPHONE *(Include area code)*

(541) 451-5261
~~404-342-1234~~
(BT: 8/11/06)

6. FAX *(Include area code)*

(541) 451-5260
~~404-342-3844~~
(BT: 8/11/06)

FOR OFFICIAL USE ONLY

PVPO NUMBER

20030059

FILING DATE

Dec. 13, 2002

7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION *(corporation, partnership, association, etc.)*

Corporation

8. IF INCORPORATED, GIVE STATE OF INCORPORATION

Delaware

9. DATE OF INCORPORATION

02 - 12 - 1998

10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. *(First person listed will receive all papers.)*

(BT: 3/17/06) ~~Ronnie Stapp~~
~~c/o~~ Pennington Seeds, Inc.
~~P.O. Box 290~~ c/o Leon Strait - Field Department Manager
~~Madison, GA~~ 270 Hansard Avenue
~~30650~~ Lebanon, OR 97355

FEES RECEIVED

FILING AND EXAMINATION FEES:
$ 2705
DATE 12/13/2002

CERTIFICATION FEE:
$ 768.00
DATE 1/9/2007

11. TELEPHONE *(Include area code)*

541-451-5261
~~404-342-1234~~ (BT: 3/17/'06)

12. FAX *(Include area code)*

541-451-5260
~~404-342-3844~~ (BT: 3/17/'06)

13. E-MAIL

14. CROP KIND *(Common Name)*

Hard ~~Strong Creeping Red~~ Fescue (BT: 3/17/'06)

15. GENUS AND SPECIES NAME OF CROP

Festuca longifolia

16. FAMILY NAME *(Botanical)*

Poaceae

17. IS THE VARIETY A FIRST GENERATION HYBRID?

☐ YES ☒ NO

18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)

a. ☒ Exhibit A. Origin and Breeding History of the Variety
b. ☒ Exhibit B. Statement of Distinctness
c. ☒ Exhibit C. Objective Description of Variety
d. ☒ Exhibit D. Additional Description of the Variety *(Optional)*
e. ☒ Exhibit E. Statement of the Basis of the Owner's Ownership
f. ☒ Voucher Sample *(2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)*
g. ☒ Filing and Examination Fee ($2,705), made payable to "Treasurer of the United States" *(Mail to the Plant Variety Protection Office)*

19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? *(See Section 83(a) of the Plant Variety Protection Act)*

☐ YES *(If "yes", answer items 20 and 21 below)* ☒ NO *(If "no", go to item 22)*

20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO THE NUMBER OF CLASSES? ☐ YES ☐ NO

IF YES, WHICH CLASSES? ☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? ☐ YES ☐ NO

IF YES, SPECIFY THE NUMBER 1,2,3, etc. ☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

(If additional explanation is necessary, please use the space indicated on the reverse.

22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U.S. OR OTHER COUNTRIES?

☐ YES ☒ NO

IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. *(Please use space indicated on reverse.)*

23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT *(PLANT BREEDER'S RIGHT OR PATENT)*?

☐ YES ☒ NO

IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. *(Please use space indicated on reverse.)*

24. The owners declare that a viable sample of basic seed of the variety will be furnished with applicaiton and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER

NAME *(Please print or type)*
Ronnie Stapp c/o Pennington Seed, Inc.

CAPACITY OR TITLE
Executive Vice President

DATE
12/09/02

SIGNATURE OF OWNER

NAME *(Please print or type)*

CAPACITY OR TITLE

DATE

S&T-470 (07-01) designed by the Plant Variety Protection Office with WordPerfect 9.0 Replaces STD-470 (04-01) which is obsolete. *(See reverse for instructions and information collection burden statement.)*

Exhibit A:

Origin and Breeding History
'Predator' (<E2H>) Hard Fescue
(BT: 3/17/2006*)

1. E2H hard fescue (*Festuca longifolia*) is an advanced generation synthetic cultivar selected from the maternal progenies of 29 clones. E2H was developed for improved seed yield and turf performance, medium-dark green color, freedom from disease and medium-early maturity. Eighty-three percent of the parental germplasm in E2H contain the Neotyphodium endophyte. It was developed using a population improvement program initiated in 1968 at Rutgers University to improve pest resistance, stress tolerance, attractiveness, turf performance, seed yield and the ability to provide an acceptable turf cover without the need for supplemental fertilization or irrigation. The breeding program included extensive germplasm collection and evaluation of over 12,000 individuals in spaced-plant field nurseries, and the testing of over 1,000 single-plant half-sib progenies in turf trials.

Following varying cycles of phenotypic and genotypic selection, two breeding populations were established in 1994 and 1995. The one established in the spring of 1994 contained 872 plants and the one established in the spring of 1995 contained 1,600 plants. The plants from both nurseries were selected from better performing turf plots from the 1993 fine fescue trial at North Brunswick. These plants were selected from 130 single-plot progenies from 4 different populations. These plants were subjected to two cycles of selection in 1996 and 1997 named 'Hard-96' and 'Hard-97', respectively for characteristics such as dark green color, high shoot density, early seed maturity and freedom from disease. A nursery was established in the fall of 1997 that contained 640 plants from the progeny of the 54 clones included in the 'Hard-97' crossing block. Thirty-one plants were selected from this nursery for dark bright green color, high shoot density, early seed maturity, and freedom from disease. These selected plants were moved, prior to anthesis, to an isolated crossing block at Adelphia, NJ in the spring of 1999. Twenty-nine plants from 9 different lines were selected for excellent floret fertility and freedom from disease. In the fall of 1999, one turf plot of each line was established at Adelphia and 1 gram of each line was sent to Advanta Seeds Pacific for increase and further evaluation.

The breeding method used in the development of E2H hard fescue was a population improvement program involving the evaluation followed by cycles of recurrent phenotypic and genotypic selection. It included 1) selection and evaluation of the most promising genetic material from old turfs, 2) intercrossing the most attractive plants, 3) screening their progenies for resistance to powdery mildew, net blotch and attractive turf-type growth habit under greenhouse conditions, 4) planting these selected seedlings in isolated spaced-plant field

*(<E2H>='Predator' (bt: 3/17/2006 per applicant's authorization)).

nurseries at either Adelphia or North Brunswick, NJ, 5) removing the least attractive plants from these nurseries prior to anthesis, 6) harvesting seed from the most attractive pest resistant plants with the best floret fertility, 7) seeding these single-plant progenies in closely mowed turf trials, 8) selecting attractive plants from the best performing progenies which contained a Neotyphodium endophyte, and 9) repeating the above procedures in a continuing population improvement program to produce 'Predator' (E2H) hard fescue. (BT:3/17/2006*)

In the fall of 1999 a seed increase block containing 60 plants of 29 progeny lines (1,740 plants) was established in Albany, Oregon. In 1999 negative mass selection was used and 12.59 % of the plants were rogued from the population. The remaining plants were harvested in bulk and the seed was used to establish a morphological nursery for Plant Variety Protection (PVP) measurements.

2. Breeder Seed Maintenance:

A breeder seed multiplication was planted in isolation in 1999 in Albany, Oregon. Seed was harvested in bulk in 2000 and is maintained in cold storage. Seed propagation is limited to three generations, one each of foundation, registered, and certified.

3. Stability and Uniformity:

'Predator' (E2H) has been a stable uniform cultivar over 2 generations. No off-type or variant plants have been observed during the multiplication or reproduction. During the breeder seed multiplication 12.59 % of the plants were removed. These types were not observed during the subsequent generations. Turf plots of E2H have been uniform.

*(<E2H> = 'Predator' (BT:3/17/2006, per applicant's authorization)).

Exhibit A (addendum): Statement of Stability and Uniformity for 'Predator' (<E2H>) Hard Fescue

'Predator' (<E2H>) has been a stable uniform cultivar over two generations. No off-type or variant plants have been observed during the multiplication or reproduction. During the breeder seed multiplication 12.59% of the plants were removed to improve the uniformity of the population. The plants that were removed showed less vigor and had poor plant health. It is not known if the lack of vigor was due to environmental factors, genetic factors, or an environment by genetic interaction. These types were not observed during the subsequent generations. Turf plots of 'Predator' (<E2H>) have been uniform and stable.

Exhibit B:

Novelty Statement of 'Predator' (<E2H>) (BT:3/17/2006)* Hard Fescue

The following summary outlines the distinctive characteristics of 'Predator' (BT:3/17/2006) (<E2H>). The novelty of E2H is based on the unique combination of these characteristics. E2H is most similar to Scaldis, but may be differentiated by using the following criteria:

1) 'Predator' (BT:3/17/2006) <E2H> has a mature plant height at least 9 cm shorter than Scaldis (tables 1A, 1B).

2) The panicle length of E2H is at least 7 cm shorter than Scaldis (tables 1A, 1B).

3) The morphological characteristics of the flag leaf; height, length, and sheath length are all reduced for E2H compared to Scaldis (tables 1A, 1B).

4) The leaf blade characteristics length and sheath length are shorter for E2H than Scaldis (tables 1A,1B).

5) E2H expresses more plants with an erect growth habit compared to Scaldis (tables 3A, 3B).

6) 'Predator' (BT:3/17/2006) <E2H> exhibits a higher frequency of plants with a distinct darkening at the nodes compared to Scaldis (tables 4A, 4B).

*(<E2H> = 'Predator' (BT:3/17/2006, per applicant's authorization)).

FORM APPROVED: OMB NO. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURE MARKETING SERVICE
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MARYLAND 20705

EXHIBIT C
(Fine Leaved Fescues)

200300059

OBJECTIVE DESCRIPTION OF VARIETY
FINE LEAVED FESCUES
(Festuca spp.)

NAME OF APPLICANT(S)	TEMPORARY DESIGNATION	VARIETY NAME.
(BT: 3/17/06) ~~Bonnie Stapp~~ Pennington Seeds, Inc.	E2H	'Predator' (BT: 3/17/2006)

ADDRESS *(Street and No. or R.F.D. No., City, State, Zip Code)*
~~P. O. Box 290~~ c/o Leon Strait
~~1280 Atlanta Hwy~~ 270 Hansard Avenue
~~Madison, GA 30650~~ Lebanon, OR 97355

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PVPO NUMBER
200300059

Place the appropriate number that describes the varietal character of this variety in the boxes below. Use leading zeroes when necessary: (e.g., 0 8 or 0 9). Characteristics described including numerical measurements, should represent those that are typical for the variety. Measured data should be for SPACED PLANTS. Royal Horticulture Society or any recognized color fan may be used to determine plant colors; designate system used: _____
Describe location of test area, conditions and number of plants used: **See section 16, page 4.**

1. SPECIES: (With comparison varieties for use below - use varieties within species of application variety)

____	1 = *F. rubra ssp. commutata* (Chewings)	11 = Cascade 14 = Banner	12 = Highlight 15 = Barfalla	13 = Jamestown
____	2 = *F. rubra ssp. litoralis* (Creeping Red)	21 = Dawson 24 = Pennlawn	22 = Starlight	23 = Merlin
____	3 = *F. rubra ssp rubra* (Spreading Red)	31 = Boreal 34 = Ensylva		
____	4 = *F. ovina* (Sheep)	41 = Covar		
53	5 = *F. longifolia* (Hard)	51 = Durar	52 = Biljart (C-26)	53 = Scaldis
____	6 = *F. tenuifolia* (Fine-Leaved Sheep)	61 = Panda	62 = Barok	
____	7 = Other *(Specify)* F._____			

2. CYTOLOGY:
4 | 2 Chromosome Number 3 Ploidy 1 = diploid 2 = tetraploid 3 = hexaploid 4 = octoploid

3. ADAPTATION: (0 = Not Tested; 1 = Not Adapted; 2 = Adapted)
2 Northeast 0 Southeast 0 North Central 2 Pacific N.W. ____ Other *(Specify)* _____

4. MATURITY: Date First Headed (panicle emergence) Location(s) of Trial(s)_____
3 Maturity Class:
1 = Very Early (Covar) 2 = Early (Highlight) 3 = Medium Early (Boreal, Dawson)
4 = Medium Late (Cascade, Ruby) 5 = Late (Jamestown, Agram) 6 = Very Late

Date Headed 26. 00 days after March 1,

___	Days earlier than	___	Comparison Variety
___	Maturity same as	53	
___	Days later than	___	

5. Plant Height: (At maturity; to top of panicle; Average of 10 culms)

468. 30	mm height		
95. 40	mm shorter than	53	Comparison Variety
	Height same as	___	
___	mm taller than	___	

6. GROWTH HABIT: (Mature)
2 1 = Erect (Ruby) 2 = Semi-erect (Highlight) 3 = Prostrate (Silvana)

7. RHIZOMES:
___ mm Length ___ mm Width ___ mm Internode length
1 1 = Absent (Highlight) 2 = Weakly Creeping (Dawson) 3 = Strongly Creeping (Boreal)
4 = Very Strongly Creeping (Fortress)

8. LEAF BLADE:

3 Color: 1 = Light Green (Strarlight) 2 = Medium Light Green (Highlight) 3 = Medium Dark Green (Ruby, Agram) 4 = Dark Green (Jamestown, Manoir) 5 = Bluegreen (Saphir) 6 = Graygreen (Scaldis) 7 = Other (*Specify*) _____

1 Glaucosity (Sowing Year): 1 = Absent (Koket) 2 = Present (Vendrome)

1 Anthocyanin: 1 = Absent 2 = Present 1 Hairs (Basal) 1 = Absent 2 = Present

1 Margins: 1 = Smooth 2 = Semi-rough 3 = Rough

1 Margin folding (closure): 1 = Rolled inward (closed-Highlight) 2 = Flat (open-Jamestown, Engina)

3 Width class: 1 = Very Fine (Agram, Frida) 2 = Fine (Jamestown, Highlight, Banner, Dawson) 3 = Medium Fine (Fortress, Ruby, Scaldis) 4 = Medium Coarse (Engina)

178.00 mm Length (flag leaf)

34.00 mm Shorter than 53

Blade length same as . . . . . |

| mm Longer than . . . . . |

} Comparison Variety

| mm Width (flag leaf)

▲ | mm Narrower than . . . . . |

Blade width same as 53

▲ | mm Wider than . . . . . |

} Comparison Variety

9. LEAF SHEATH:

1 Anthocyanin (seedling): 1 = Absent (Highlight) 2 = Present (Jamestown, Fortress, Marga)

1 Auricle Hairiness: 1 = Absent 2 = Present

1 Margins: 1 = Open (Highlight) 2 = Closed (Jamestown)

10. PANICLE (Mature plant):

1 Shape: 1 = Narrow-tapering 2 = Ovate 3 = Oblong 4 = Other (*Specify*) _____

2 Type: 1 = Open 2 = Intermediate 3 = Compact

1 Orientation: 1 = Erect 2 = Nodding

2 Branch Pubescence: 1 = Glabrous 2 = Pubescent

1 Anther Color:

1 Glume Color (At 50% flowering):

} 1 = Yellowish Green 2 = Green 3 = Bluish Green 4 = Purplish 5 = Reddish 6 = Other (*Specify*) _____

424.00 mm Length

71.30 mm Shorter than 53

Panicle length same as . . . . . |

| mm Longer than . . . . . |

} Comparison Variety

11. PALEA:

2 Hairs (On keels or margins): 1 = Absent (Banner) 2 = (Agram, Scaldis, Olds) short (bt: 3/17/2006) 3 = Long (Ranier, Fortress, Jamestown)

12. LEMMA (Mature):

2 Hairs: 1 = Absent (Jamestown) 2 = Several 3 = Many (Highlight)

4.44 mm Lemma Length

___ mm Shorter than . . . . . ___

Lemma length same as . . . . . 53 } Comparison Variety

___ mm Longer than . . . . . ___

1.00 mm Lemma Width

___ mm Narrower than . . . . . ___

Lemma width same as . . . . . 53 } Comparison Variety

___ mm Wider than . . . . . ___

2 Awns: 1 = Absent 2 = Present

2.17 mm Awn Length

___ mm Shorter than . . . . . ___

Awn length same as . . . . . 53 } Comparison Variety

___ mm Longer than . . . . . ___

13. SEED (With lemma & palea):

3 Size Class (g/1000 seed):
1 = <.9g (Biljart, Dawson) 2 = .91-< 1.1g (Jamestown, Highlight)
3 = 1.1 - 1.3 g (Fortress, Novorubra) 4 = > 1.3g (Boreal, Golfrood)

1,295.00 mg per 1000 seed

___ mg per 1000 seed less than . . . . . ___

Seed Weight same as . . . . . ___ } Comparison Variety

174.00 mg per 1000 more than 53

14. DISEASE, INSECT, AND NEMATODE REACTION (0 = Not Tested, 1 = Susceptible, 2 = Resistant):

0	Melting-out *Drechslera poae* (*Helminthosporium vagans*)	0	Stripe rust *P. striiformis*
0	Leaf spot *D. siccans*	0	Leaf rust *P. poae-nemoralis*
0	Net blotch *D.* dictyoides	0	*P. crandalli*
0	Leaf spot *Bipolaris sorkiniana*	0	Pythium Blight *Pythium ultimum*
0	Brown patch *Rhizoctonia solani*	0	Red thread *Corticum fusciforme*
0	Powdery Mildew *Erysiphe graminis*	0	Dollar spot *Sclerotinia homoeocarpa*
0	Stripe smut *Ustilago striiformis*	0	Insect _____
0	F. Patch, Pink snow-mold *Fusarium nivale*	0	Nematode _____
0	Fusarium blight *F. tricinctum, F. roseum*	0	Other _____
0	Gray snow mold *Typhula iotana*	0	Other _____
0	Stem rust *Puccinia graminis*	0	Other _____

15. GIVE VARIETY OR VARIETIES THAT MOST CLOSELY RESEMBLE THE APPLICATION VARIETY. For the following characteristics indicate Degree of Resemblance by placing the column marked, D. R., 1 of the following numbers:

1 = Application variety is less than comparison variety. 2 = Same As
3 = More than, better, greater, darker, more disease resistant, etc.

CHARACTER	VARIETY	D. R.	CHARACTER	VARIETY	D.R.
Rhizome Length	Scaldis	2	Growth Habit	Scaldis	3
Leaf Width	Scaldis	2	Leaf Color	Scaldis	2
Panicle Color	Scaldis	1	Panicle Shape	Scaldis	2
Winter Color	Scaldis	2	Cold Injury	Scaldis	2
Shade Tolerance	Scaldis	2	Heat	Scaldis	2
Drought	Scaldis	2	Disease*	Scaldis	2

* *Specify each disease evaluated.*

16. ADDITIONAL DESCRIPTION: (Use additional sheets as required)
Describe all characteristics that cannot be adequately described in the form above in Exhibit D. Comparative varieties should be used as may be appropriate, such as for disease. Append all comparative trial and evaluation data, including measured characters, environmental, and disease test.

A morphological nursery designated 00PVPFOD was established in September 2000, in Albany, Oregon. Experimental design consisted of 3 entries; 3 replications per entry; 20 plants per replication; for a total of 60 plants per entry. Scaldis was used as a standard. Plants were established on 2.5 foot centers with a skip row between replications and between entries.

The nursery received 30 pounds of nitrogen per acre rate following establishment and 50 pounds of nitrogen per acre per year in 2001 and 2002. The fertilizer source was 15 - 15 - 15 and was applied as a split application with ½ applied in the spring and ½ in the autumn. The nursery was sprayed twice each spring, 3 weeks between applications, with Tilt (2oz/acre rate), to prevent stem rust. One pound of Karmex per acre rate was applied during the late summer to prevent emergence of volunteer seedlings.

Data was analyzed using analysis of variance for a randomized complete block design. Means were calculated for each replication and then analyzed.

Exhibit D:

Additional Description

'Predator'
(<E2H>)**Hard Fescue**
(BT:3/17/2006)

'Predator'
(<E2H>)has improved characteristics over current cultivars, such as Scaldis. E2H is a more compact cultivar compared to Scaldis (tables 1A, 1B) with the mature plant height at least 9 cm shorter. The panicle length, flag leaf length and flag leaf height are also reduced compared to Scaldis (tables 1A, 1B). The length of the longest branch of the lower most whorl of E2H is significantly shorter than Scaldis (tables 2A, 2B, illus. 1). E2H has a shorter distance between the lower most whorls compared to Scaldis (tables 2A, 2B, illus. 1). The length of the panicle from the lower most whorl to the tip of the panicle is at least 22 mm shorter than Scaldis (tables 2A, 2B, illus. 1).

'Predator'
(<E2H>)may be differentiated from Scaldis on several visual characteristics. E2H exhibits a more erect growth habit than Scaldis (tables 3A, 3B). E2H produces more plants with an open panicle type compared to Scaldis (tables 3A, 3B). The mg weight of 1,000 seeds of E2H is greater than Scaldis (tables 3A, 3B).

Panicle Type Inflorescence

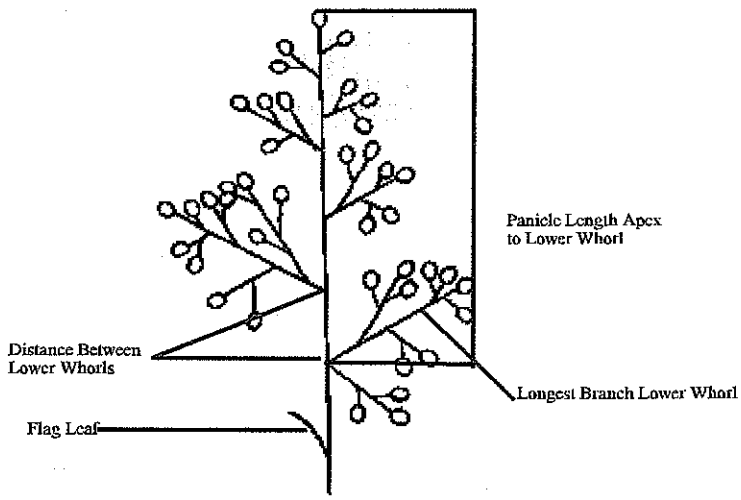

Illustration 1.

Table 1A 2000 Morphological Data

Cultivar	Heading Date (days after March 1)	Anthesis Date (days after March 1)	Genetic Color	Mature Plant Height (cm)	Plant Width (cm)	Panicle Length (cm)	Flag Leaf Length (cm)	Flag Leaf Height (cm)	Flag Leaf Sheath Length (cm)	Flag Leaf Internode Length (cm)	Leaf Blade Length (cm)	Leaf Blade Height (cm)	Leaf Sheath Length (cm)
(BT:3/17/2006) 'Predator' (E2H)	28.67	56.33	5.33	46.83	8.57	42.40	17.80	16.93	12.67	4.93	12.53	7.97	6.13
Scaldis	32.00	57.33	5.00	56.37	9.23	49.53	21.20	20.87	14.93	6.47	16.07	10.10	7.50
LSD 5%	0.97	1.69	0.97	1.53	2.15	1.92	2.19	2.58	0.59	2.70	2.00	0.83	0.68
C.V.	1.35	1.24	7.90	1.24	10.12	1.75	4.71	5.71	1.80	19.9	5.86	3.86	4.19

Measurements taken in Albany, Oregon; 3 reps; 20 plants/rep = 60 data points.

■ Cultivar under evaluation.

■ Significant difference over two years one location.

■ Significant difference over one year one location.

Table 1B 2001 Morphological Data

Cultivar	Heading Date (days after March 1)	Anthesis Date (days after March 1)	Genetic Color	Mature Plant Height (cm)	Plant Width (cm)	Panicle Length (cm)	Flag Leaf Length (cm)	Flag Leaf Height (cm)	Flag Leaf Sheath Length (cm)	Flag Leaf Internode Length (cm)	Leaf Blade Length (cm)	Leaf Blade Height (cm)	Leaf Sheath Length (cm)
(BT:3/17/2006) 'Predator' (E2H)	16.00	59.33	5.67	60.53	23.70	49.47	20.87	25.73	14.23	8.77	15.97	10.60	8.23
Scaldis	15.33	58.67	5.00	73.77	24.33	61.03	26.97	30.00	17.80	10.37	20.40	11.60	10.30
LSD 5%	2.58	0.97	0.97	1.24	5.12	2.87	1.88	1.37	0.52	1.91	1.70	2.79	1.03
C.V.	6.89	0.69	7.65	0.78	8.94	2.18	3.29	2.07	1.35	8.39	3.91	10.53	4.66

Measurements taken in Albany, Oregon; 3 reps; 20 plants/rep = 60 data points.

■ Cultivar under evaluation.

■ Significant difference over two years one location.

■ Significant difference over one year one location.

Table 2A

2001 Laboratory Morphological Data

Cultivar	Lemma Length (mm)	Lemma Width (mm)	Lemma Awn Length (mm)	Glume Length (mm)	Florets per Spikelet	Spikelet Length (mm)	Length of Longest Whorl (mm)	Distance Between Lower Most Whorls (mm)	Number of Spikelets on the Longest Whorl	Spikelets per Panicle	Length of Panicle From Lower Most Whorl to Tip (mm)
(BT:3/17/06) 'Predator' (E2H7)	4.44	1.00	2.17	4.27	6.33	10.20	40.50	25.23	6.33	26.33	84.73
Scaldis	4.63	1.03	2.37	4.37	6.67	10.67	46.23	32.57	6.67	33.33	107.53
LSD 5%	0.03	0.10	0.29	0.29	1.95	0.85	5.29	6.29	0.97	4.46	8.51
C.V.	0.31	4.02	5.40	2.84	12.56	3.41	5.12	9.13	6.28	6.27	3.71

Measurements taken in Albany, Oregon; 3 reps; 20 plants/rep = 60 data points.

■ Cultivar under evaluation.

■ Significant difference over two years one location.

■ Significant difference over one year one location.

Table 2B

2002 Laboratory Morphological Data

Cultivar	Lemma Length (mm)	Lemma Width (mm)	Lemma Awn Length (mm)	Glume Length (mm)	Florets per Spikelet	Spikelet Length (mm)	Length of Longest Whorl (mm)	Distance Between Lower Most Whorls (mm)	Number of Spikelets on the Longest Whorl	Spikelets per Panicle	Length of Panicle From Lower Most Whorl to Tip (mm)
(BT:3/17/06) 'Predator' (E2H7)	4.93	0.80	2.07	4.57	5.67	10.03	48.07	29.80	7.33	31.67	103.93
Scaldis	5.05	0.87	2.20	4.73	6.67	11.07	58.27	39.80	8.67	38.67	138.87
LSD 5%	0.54	0.10	0.19	0.49	1.69	1.20	9.92	9.31	2.58	9.39	22.32
C.V.	4.52	4.90	3.83	4.39	11.47	4.76	7.83	11.22	13.50	11.20	7.71

Measurements taken in Albany, Oregon; 3 reps; 20 plants/rep = 60 data points.

■ Cultivar under evaluation.

■ Significant difference over two years one location.

■ Significant difference over one year one location.

Table 3A

2001 Additional Morphological Measurements of the Panicle

Cultivar	Growth Habit at Anthesis % Erect	Growth Habit at Anthesis % Semi-Erect	Growth Habit at Anthesis % Prostrate	Anther Color % Yellow	Panicle Color % Red	Panicle Orientation % Nodding	Panicle Shape % Narrow	Panicle Type % Open	~~Panicle~~ Branch Pubescence % Pubescent	Branch Lower Whorl =1	Branch Lower Whorl =2	Seed Weight mg per 1,000 Seeds
'Predator' (E2H)	88	12	0	65	93	12	77	23	87	85	15	1295
Scaldis	40	52	8	60	95	7	83	17	97	82	18	1121

Measurements taken in Albany, Oregon
3 reps; 20 plants/rep = 60 data points
■ Cultivar under evaluation

Table 3B

2002 Additional Morphological Measurements of the Panicle

Cultivar	Growth Habit at Anthesis % Erect	Growth Habit at Anthesis % Semi-Erect	Growth Habit at Anthesis % Prostrate	Anther Color % Yellow	Panicle Color % Red	Panicle Orientation % Nodding	Panicle Shape % Narrow	Panicle Type % Open	~~Panicle~~ Branch Pubescence % Pubescent	Branch Lower Whorl =1	Branch Lower Whorl =2	Seed Weight mg per 1,000 Seeds
'Predator' (E2H)	27	73	0	35	55	13	92	8	88	83	17	1307
Scaldis	5	92	3	45	55	12	97	3	88	82	18	1129

Measurements taken in Albany, Oregon
3 reps; 20 plants/rep = 60 data points
■ Cultivar under evaluation

Table 4A

2001 Additional Morphological Measurements of the Leaf Blade and Seed

Cultivar	Leaf Blade Surface Hairs % Present	Leaf Sheath Margins % Open	Leaf Blade Glaucosity % Absent	Leaf Blade Anthocyanin % Purple	Leaf Blade Margin Hairs % Present	Leaf Sheath Auricle Hairs % Present	Node Color % Distinct	Lemma Awns % Present	Lemma Hairs % Present	Palea Hairs % Present	Glume Color % Purple	Rhizomes % Absent
Predator (E2H2) (BT:3/17/06)	18	100	100	0	3	0	82	100	93	100	47	100
Scaldis	22	100	100	0	0	0	78	100	92	100	46	100

Measurements taken in Albany, Oregon
3 reps; 20 plants/rep = 60 data points
■ Cultivar under evaluation

Table 4B

2002 Additional Morphological Measurements of the Leaf Blade and Seed

Cultivar	Leaf Blade Surface Hairs % Present	Leaf Sheath Margins % Open	Leaf Blade Glaucosity % Absent	Leaf Blade Anthocyanin % Purple	Leaf Blade Margin Hairs % Present	Leaf Sheath Auricle Hairs % Present	Node Color % Distinct	Lemma Awns % Present	Lemma Hairs % Present	Palea Hairs % Present	Glume Color % Purple	Rhizomes % Absent
Predator (E2H2) (BT:3/17/06)	25	100	100	0	3	0	88	100	90	88	18	100
Scaldis	30	100	100	0	5	0	73	100	95	97	17	100

Measurements taken in Albany, Oregon
3 reps; 20 plants/rep = 60 data points
■ Cultivar under evaluation

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued (*7 U.S.C. 2421*). The information is held confidential until the certificate is issued (*7 U.S.C. 2426*).

1. NAME OF APPLICANT(S)

(BT: 3/17/06) ~~Pennington Seeds~~ c/o Pennington Seeds, Inc

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER
E2H

3. VARIETY NAME
'Predator' (BT: 3/17/2006)

4. ADDRESS (*Street and No., or R.F.D. No., City, State, and Zip, and Country*)

~~P.O. Box 290~~ 270 Hansard Avenue
~~Madison, GA~~ Lebanon, OR 97355
~~30650~~ (BT: 3/17/2006)

5. TELEPHONE (*Include area code*)
541-451-5261
~~404-342-4234~~ (BT: 3/17/2006)

6. FAX (*Include area code*)
541-451-5260
~~404-342-0644~~ (BT: 3/17/2006)

7. PVPO NUMBER 200500059

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. **If no, please explain.**

☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? **If no, give name of country.**

☒ YES ☐ NO

10. Is the applicant the original owner? **If no, please answer one of the following:**

☒ YES ☐ NO

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☒ YES ☐ NO **If no, give name of country**

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☒ YES ☐ NO **If no, give name of country**

11. Additional explanation on ownership *(If needed, use the reverse for extra space)*:

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.

2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.

3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.